

Message Text

CONFIDENTIAL

PAGE 01 PARIS 01281 01 OF 02 161529Z
ACTION IO-14

INFO OCT-01 CIAE-00 CU-04 INR-07 NSAE-00 AID-05 USIE-00
AF-10 ARA-10 EA-10 EUR-12 NEA-10 ISO-00 INRE-00
SSO-00 SS-15 NSCE-00 HA-05 L-03 IOE-00 TRSE-00
SP-02 PRS-01 OIC-02 PA-01 /112 W
-----022521 161538Z /42
O 161521Z JAN 78
FM AMEMBASSY PARIS
TO SECSTATE WASHDC IMMEDIATE 4283

C O N F I D E N T I A L SECTION 01 OF 02 PARIS 01281

NESCO

E.O. 11652: GDS
TAGS: AORG, PORG, SHUM, UNESCO
SUBJECT: UNESCO: UNESCO WORKING GROUP ON STRENGTHENING
HUMAN RIGHTS PROCEDURES, JAN. 9-20, 1978, PARIS

REFS: (A) PARIS 01200, (B) PARIS 01201

1. THIS IS A STATUS REPORT RELATING TO THE FIRST WEEK
OF THE WORKING GROUP'S SESSION.
2. THE WG HAS THUS FAR EITHER ADOPTED OR LEFT TO THE
SECRETARIAT TO PREPARE COMPOSITE TEXTS RELATING TO THE
SUBJECTS COVERED IN PARAS. 9 THROUGH 14 OF DOCUMENT
104 EX/WG/HR/1 (CONTAINING PROPOSALS SUBMITTED BY CHAIR-
MAN AND THE JOINT SOVIET-POLISH TEXTS) AND PARAS. 10 (A)
THROUGH 10 (J) OF DOC. 104 EX/WG/HR/DR.1 (U.S. DRAFT
PROPOSALS). MOST IMPORTANT AMONG TEXTS PROVISIONALLY
ADOPTED, IN ADDITION TO THE TEXTS THAT WERE AGREED UPON
BY WORKING GROUP ON OCTOBER 1, 1977, ARE CONDITIONS FOR
THE ADMISSIBILITY OF COMMUNICATIONS (TEXT ALREADY CABLED
TO DEPT. IN PARIS 01200); PROVISIONS REGARDING THE ROLE
OF THE DG IN PROCESSING COMMUNICATIONS; PROVISIONS
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 PARIS 01281 01 OF 02 161529Z

RELATING TO THE CONSIDERATION OF COMMUNICATIONS THAT
HAVE BEEN RULED ADMISSIBLE; AND A REVISED TEXT OF PARA.
9 (B) OF THE SOVIET-POLISH DRAFT.

3. THE ADOPTED CONDITIONS OF ADMISSIBILITY ARE LESS
RESTRICTIVE THAN THOSE EMBODIED IN COMPARABLE INTER-
NATIONAL INSTRUMENTS, KEEPING IN MIND THAT THEY APPLY

NOT ONLY TO BROAD HUMAN RIGHTS QUESTIONS, BUT ALSO TO INDIVIDUAL CASES. THIS IS PARTICULARLY TRUE OF THE EXHAUSTION REQUIREMENT WHICH, AS ADOPTED, IS NOT A FORMAL BAR TO ADMISSIBILITY; SAME IS TRUE OF PROVISION RELATING TO SOURCES OF COMMUNICATIONS, WHICH IS SURPRISINGLY LIBERAL. NOTE TOO THAT ALTHOUGH ALL THREE DRAFT PROPOSALS ENVISAGED THAT A WG OF COMMITTEE ON CONVENTIONS AND RECOMMENDATIONS (CCR) WOULD PASS ON ADMISSIBILITY, THESE PROPOSALS WERE DROPPED AT STRONG INSISTENCE OF VARIOUS WG MEMBERS. USDEL DECIDED TO SUPPORT ABOLITION OF WG AS FORMAL INSTITUTION; SOVIETS TRIED HARD TO RETAIN WG BUT FINALLY WENT ALONG, MOST RELUCTANTLY, WITH THE MAJORITY. GIVEN THE FACT THAT SIX-MEMBER WG, SELECTED ON BASIS OF GEOGRAPHIC CRITERIA, COMMANDED SUBSTANTIAL SUPPORT, USDEL BELIEVES, THAT THE SOLUTION ADOPTED MAY WELL BE BETTER FROM THE POINT OF VIEW OF OBTAINING A MORE BALANCED DETERMINATION. NOTE TOO THAT THERE IS A CLEAR UNDERSTANDING THAT CCR MAY, IF IT DETERMINES THE NEED THEREFOR, CONSTITUTE A WG IN A PARTICULAR CASE.

4. WITH REGARD TO THE POST-ADMISSIBILITY PROCEDURES, I.E., IN DEALING WITH THE MERITS OF COMMUNICATION, THERE WAS SUBSTANTIAL AGREEMENT FOR MANY OF THE SUGGESTIONS, IF NOT ALWAYS THE LANGUAGE, CONTAINED IN PARAS. 10 (F), (G), (H) AND SOME PARTS OF PARA. 10 (I)
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 PARIS 01281 01 OF 02 161529Z

OF THE US PROPOSAL. IN OTHER WORDS, THE CCR WILL BE ABLE TO DISMISS ADMISSABLE COMMUNICATIONS FOUND UPON SUBSEQUENT CONSIDERATION TO BE WITHOUT MERIT; TO ATTEMPT TO WORK OUT A FRIENDLY SOLUTION OF MERITORIOUS COMMUNICATIONS; AND TO REPORT TO EXECUTIVE BOARD ON REMAINING COMMUNICATIONS WITH REGARD TO WHICH NO FRIENDLY SOLUTION HAS BEEN REACHED. BUT THERE DOES NOT AS YET EXIST AGREEMENT CONCERNING THE RIGHT OF AUTHORS TO APPEAR BEFORE THE CCR (US DRAFT PARA. 10 (F), THE CONFIDENTIAL CHARACTER OF THE CCR REPORTS AND DELIBERATIONS, AND THE CONFIDENTIALITY OF THE EXECUTIVE BOARD ACTION. IT IS HERE THAT THE US HAS ONLY THE LIMITED SUPPORT OF BELGIUM FOR ITS POSITION, HERE TOO THE CHAIRMAN HAS CONSISTENTLY SHOWN VERY STRONG BIAS AGAINST US POSITION, PROMPTING AMBASSADOR TORRES AND PROFESSOR BUERGENTHAL TO SEEK A SPECIAL MEETING WITH THE CHAIRMAN TO EXPRESS US DEL'S DISPLEASURE. IT IS TOO EARLY TO SAY WHAT EFFECT THIS STEP WILL HAVE. BUT NOTE HERE THAT THE U.S. IS IN DIFFICULT POSITION, TRYING ON THE ONE HAND TO OBTAIN AT LEAST SOME PUBLICITY FOR INDIVIDUAL

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 PARIS 01281 02 OF 02 161530Z
ACTION IO-14

INFO OCT-01 CIAE-00 CU-04 INR-07 NSAE-00 AID-05 USIE-00
AF-10 ARA-10 EA-10 EUR-12 NEA-10 ISO-00 INRE-00
SSO-00 SS-15 NSCE-00 HA-05 IOE-00 L-03 TRSE-00
SP-02 PRS-01 OIC-02 PA-01 /112 W
-----022523 161539Z /50

O 161521Z JAN 78
FM AMEMBASSY PARIS
TO SECSTATE WASHDC IMMEDIATE 4284

C O N F I D E N T I A L SECTION 02 OF 02 PARIS 01281

NESCO

COMMUNICATIONS WHILE SEEKING TO REDUCE PUBLIC CON-
SIDERATION OF POLITICALLY CHARGED COMPLAINTS
RELATING, FOR EXAMPLE, TO THE OCCUPIED TERRITORIES.
A VAST MAJORITY IN THE WORKING GROUP, WITH THE CHAIR-
MAN'S HELP, SEEMS TO SUPPORT THE OPPOSITE RESULT FROM
THAT FAVORED BY THE U.S. THE SAME APPLIES TO THE
POSSIBILITY OF THE AUTHOR OF AN INDIVIDUAL COMMUNI-
CATION TO BE HEARD BY THE CCR, WHICH THE USDEL FAVORS,
BUT WHICH THE MAJORITY WILL SUPPORT ONLY FOR MASSIVE
VIOLATIONS.

5. TURNING TO THE TEXT OF PARA. 9(B) OF THE SOVIET-
POLISH TEXT (SEE DOC. L04 EX/WG/HR/1), IT COMMANDED
VAST SUPPORT. WITH THE HELP OF BELGIUM, USDEL
OBTAINED A REWORDING OF THE TEXT TO READ AS FOLLOWS:

BEGIN QUOTE. CONSIDERS THAT ALL QUESTIONS OF
MASSIVE, SYSTEMATIC OR FLAGRANT VIOLATIONS OF
HUMAN RIGHTS FALLING WITHIN UNESCO'S FIELDS OF
COMPETENCE--INCLUDING IN PARTICULAR THOSE PERPETRATED
AS A RESULT OF POLICIES OF AGGRESSION, THE INTERFERENCE
IN THE INTERNAL AFFAIRS OF STATES, THE OCCUPATION OF
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 PARIS 01281 02 OF 02 161530Z

FOREIGN TERRITORY AND THE IMPLEMENTATION OF A POLICY OF COLONIALISM, GENOCIDE, APARTHEID, RACIALISM OR NATIONAL AND SOCIAL OPPRESSION--SHOULD BE CONSIDERED BY THE EXECUTIVE BOARD AND THE GENERAL CONFERENCE IN PUBLIC MEETINGS. END OF QUOTE

USDEL WILL MAKE AN ATTEMPT TO WEAKEN THIS PROVISION FURTHER BY MAKING IT BECOME APPLICABLE ONLY AFTER THE CCR HAS EXHAUSTED ITS CONSIDERATION OF A COMMUNICATION. THIS WOULD MEAN THAT THE PROVISION WOULD THEN APPLY ONLY TO COMMUNICATIONS RATHER THAN TO ALL COMPLAINTS (INCLUDING STATE COMPLAINTS) ON THE AGENDA OF THE EXECUTIVE BOARD AND THE GENERAL CONFERENCE (WHICH APPEARS TO BE THE CURRENT MEANING OF THIS LANGUAGE). USDEL ALSO UNDERSTANDS THAT CHAIRMAN AND SOME OTHER MEMBERS, INCLUDING SOVIETS, WOULD LIKE TO CHANGE THE WORD "SHOULD" IN THE PRESENT TEXT TO "SHALL." USDEL WOULD APPRECIATE IMMEDIATE GUIDANCE ON THIS PROVISION AS A WHOLE AND ON THE SPECIFIC POINTS RELATING TO IT MENTIONED ABOVE. USDEL SERIOUSLY DOUBTS THAT IT WILL BE POSSIBLE TO OBTAIN ANY SIGNIFICANT REWORDING OF THIS TEXT WITHOUT UNDOING PROGRESS THAT HAS BEEN MADE THUS FAR ON THE PROCEDURES AS A WHOLE.

6. COMPLETE ABSENCE FROM MEETING OF VENEZUELA AND EGYPT HAS NOT HELPED USDEL'S POSITION. GARBO (NORWAY) LEFT AFTER FIRST TWO DAYS, FURTHER WEAKENING POSSIBLE U.S. SUPPORT.

7. DEPARTMENT'S GUIDANCE AND/OR COMMENTS REQUESTED BY OPENING OF BUSINESS, PARIS TIME, TUESDAY, JANUARY 17.

TORRES

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 PARIS 01281 02 OF 02 161530Z

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS
Control Number: n/a
Copy: SINGLE
Draft Date: 16 jan 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978PARIS01281
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780023-0204
Format: TEL
From: PARIS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780159/aaaabxxh.tel
Line Count: 210
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 098e63e3-c288-dd11-92da-001cc4696bcc
Office: ACTION IO
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 78 PARIS 1200, 78 PARIS 1201
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 17 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3768242
Secure: OPEN
Status: NATIVE
Subject: UNESCO WORKING GROUP ON STRENGTHENING HUMAN RIGHTS PROCEDURES, JAN. 9-20, 1978, PARIS
TAGS: AORG, PORG, SHUM, UNESCO
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/098e63e3-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014